



भारत का राजपत्र

The Gazette of India

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इस माग में अलग संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on 19th July, 1991:—

BILL No. 50 OF 1991

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1991.

Short title.

2. In article 74 of the Constitution, in clause (1), before the existing proviso, the following proviso shall be inserted, namely:—

Amend-
ment of
article
74.

“Provided that the strength of the Council of Ministers, including the Prime Minister, shall not exceed ten per cent. of the total membership of both Houses of Parliament.”.

3. In article 163 of the Constitution, in clause (1), the following provisos shall be inserted, namely:—

Amend-
ment of
article
163.

“Provided that the strength of the Council of Ministers, including the Chief Minister, shall not exceed ten per cent. of the total membership of the Legislature of a State where there are two Houses and fifteen per cent. of the total membership of the Legislative Assembly of a State where there is only one House:

Provided further that the number of members of the Council of Ministers shall not be less than ten.”.

STATEMENT OF OBJECTS AND REASONS

In recent times, there has been considerable debasement of the Cabinet form of Government in our country. Membership of the Council of Ministers has come to be understood by many either as a matter of status or a position for aggrandisement. There have been instances where in order to avoid dissension almost all members of the Legislature belonging to the governing party or to coalition partners have had to be appointed as Ministers. In the process, political parties have ceased to represent the people who elect the Legislators.

If this situation is not altered immediately, our democratic institutions, particularly the institution of the Council of Ministers who are enjoined by the Constitution "to aid and advise" the President in the case of the Union and the Governor in the case of the States will suffer irreparable damage to their credibility.

It is proposed to fix a ceiling on the strength of the Council of Ministers *i.e.* 10 per cent. of the membership of Parliament in case of Union Council of Ministers and 10 per cent. where there are two Houses of the Legislature and 15 per cent. where there is one House, in case of Council of Ministers of a State.

This will contribute to the stability of the Governments and also put an end to political horse trading, which has become the bane of our politics.

Hence this Bill.

NEW DELHI;
June 30, 1991.

GEORGE FERNANDES

BILL No. 53 OF 1991

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1991.
2. In article 26 of the Constitution, following proviso shall be added at the end, namely:—

“Provided that the status of and title to all religious monuments and places of worship, as they existed on the fifteenth day of August, 1947, shall be maintained.”

Short
title.

Amend-
ment of
article
26.

STATEMENT OF OBJECTS AND REASONS

India is a multi-religious country which has not only given birth to some great religions that have spread the message of truth, love and peace to all parts of the world, but has welcomed and nourished other religious faith which came from outside its frontiers. This process has been going on for several thousand years, and in its sum total has contributed to the enrichment of our spiritual and cultural heritage. Unfortunately, religion has also been used by vested interests to divide the people and thereby negate its very spirit and message.

The controversies over places of worship and religious monuments have in recent times acquired such a dimension that they threaten to destroy the unity and integrity of the country. These controversies also attack the fundamentals of the secular polity that we chose to establish in India on attaining our freedom on August 15, 1947.

It is now clear from the experience of the recent past that the only way to put an end to these ongoing controversies is to maintain the *status quo* in regard to all places of worship and religious monuments as they existed on August 15, 1947.

The Bill seeks to achieve the above objective.

NEW DELHI;

June 30, 1991.

GEORGE FERNANDES.

BILL NO. 67 OF 1991

A Bill to amend the Special Protection Group Act, 1988.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

- 34 of 1988.
1. This Act may be called the Special Protection Group (Amendment) Act, 1991. Short title.
 2. In the Long Title of the Special Protection Group Act, 1988 (hereinafter referred to as the principal Act), for the words "Prime Minister of India and the members of his immediate family", the words "Prime Minister of India, former Prime Minister of India and the members of their immediate families" shall be substituted. Amendment of Long title.
 3. In section 2 of the principal Act, in clause (a), for the words "Prime Minister of India and the members of his immediate family", the words "Prime Minister of India, former Prime Minister of India and the members of their immediate families" shall be substituted. Amendment of section 2.

Amend-
ment of
section
4.

4. In section 4 of the principal Act, in sub-section (1), the following proviso shall be added at the end, namely:—

"Provided that where the Central Government considers it necessary to do so, such security may also be provided to a former Prime Minister and/or the members of his immediate family."

STATEMENT OF OBJECTS AND REASONS

The assassination of Shri Rajiv Gandhi, the former Prime Minister of India, exposed the abject state of inadequate security cover provided to him. It also brought to light the reality that at times a former Prime Minister or members of his immediate family could be extremely vulnerable to security threats. The nation failed to perceive the necessity of providing such security cover to the former Prime Minister of India during the life time of Shri Rajiv Gandhi who fell victim to some deep rooted conspiracy at a moment when he was poised to take over the reins of Government once again.

The security cover provided by Special Protection Group was withdrawn from him and the members of his family on the technical ground that it could not be extended to them under the Special Protection Group Act, 1988.

In view of the national tragedy and the need to provide similar security to the members of Shri Rajiv Gandhi's family and also to other former Prime Ministers and members of their immediate families who may face high security risks in future, it is desirable to amend the Act.

NEW DELHI;

PAWAN KUMAR BANSAL.

July 1, 1991.

FINANCIAL MEMORANDUM

Clauses 2, 3 and 4 of the Bill provide that proximate security may also be provided to a former Prime Minister of India and/or the members of his immediate family by the Special Protection Group where the Central Government considers it necessary to do so. More persons shall have to be appointed as members of the Special Protection Group for the purpose, thereby increasing the administrative and other expenditure.

The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees twenty five lakhs per annum.

No non-recurring expenditure is likely to be involved.

BILL No. 59 OF 1991*A Bill to amend the Delimitation Act, 1972.*

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

- 76 of 1972.
1. This Act may be called the Delimitation (Amendment) Act, 1991.
 2. In section 9 of the Delimitation Act, 1972,—

Short title.

Amendment of section 9.

- (i) in sub-section (1), in clause (c), the following proviso shall be added at the end, namely:

“Provided that the Commission may, after the commencement of the Delimitation (Amendment) Act, 1991, re-distribute the constituencies in which seats are reserved for Scheduled Castes, after de-reserving the constituencies in which seats are reserved for them, on rotation basis, according to their population in each constituency:

Provided further that the total number of such seats reserved for Scheduled Castes shall not be varied in constituencies located in a district in case of Legislative Assembly of the State in the State in case of House of People until the relevant figures for the first census taken after the year 2000 have been published”; and

- (ii) in sub-section (2), in clause (a), the following proviso shall be added at the end, namely:

“Provided that the proposals contained in the first proviso to clause (c) of sub-section (1) shall be published in three leading newspapers of the concerned State in addition to publication in Gazette of India and in the Official Gazette of the State concerned.”

STATEMENT OF OBJECTS AND REASONS

There is a feeling of resentment in certain quarters against the prolonged/static reservation of some constituencies for the Scheduled Castes. The importance of providing such reservation cannot be overlooked but it also seems desirable that no particular constituency is kept reserved for more than ten years. A rotation system could be evolved for this purpose, maintaining for the time being the present number of seats allocated for Lok Sabha and State Legislatures as shown in the First and Second Schedule to the Representation of the People Act, 1950.

The Bill seeks to achieve the above objective.

NEW DELHI,
July 1, 1991.

PAWAN KUMAR BANSAL.

BILL NO. 51 OR 1991

A Bill to provide for the establishment of a permanent Bench of the High Court of Allahabad at Bareilly.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. This Act may be called the High Court at Allahabad (Establishment of a Permanent Bench at Bareilly) Act, 1991.

Short title.

2. There shall be established a permanent Bench of the High Court at Allahabad at Bareilly and such Judges of the High Court at Allahabad, being not less than three in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Bareilly in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the divisions of Bareilly, Moradabad, Meerut, Kumaon, Garhwal and Agra.

Establishment of a permanent Bench of High Court at Allahabad at Bareilly.

STATEMENT OF OBJECTS AND REASONS

There has been a persisting demand for setting up of a permanent Bench of the High Court at Allahabad in western Uttar Pradesh. More than 2,00,000 cases are pending in the Allahabad High Court for quite a long time.

Bareilly city is a central place in western Uttar Pradesh and has all modern facilities of communication and transport. As of now, people belonging to western districts of Uttar Pradesh have to travel to Allahabad in connection with their cases. It is a time consuming and costly affair.

In the interest of speedy and cheap justice and convenience of the litigant public, it is necessary to establish a permanent Bench of the High Court at Allahabad at Bareilly.

The committee appointed to go into issues relating to setting up of Benches of various High Courts also recommended setting up of one such Bench of the High Court at Allahabad in western Uttar Pradesh.

The Bill seeks to achieve the above objective.

NEW DELHI;

July 1, 1991

SANTOSH KUMAR GANGWAR.

BILL NO. 62 OF 1991*A Bill further to amend the Constitution of India.*

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

- | | |
|---|---|
| 1. This Act may be called the Constitution (Amendment) Act, 1991. | Short title. |
| 2. In the Preamble to the Constitution and wherever it occurs in the Constitution, for the word "India", the word "Hindustan" shall be substituted | Amend-
ment of
the Pre-
amble,
etc. |

STATEMENT OF OBJECTS AND REASONS

Article 1 of the Constitution states that 'India, that is Bharat' shall be a Union of States and territories as specified in the First Schedule. Although in the distant past this ancient motherland of ours was known as Bharat, the erstwhile foreign rulers of the country, the imperialist British, named the country as "India". But the common man in the country knows it as "Hindustan". Even the great Urdu poet Iqbal in his famous and melodious poem "*Sare Jahan Se Achcha*" used the term "Hindustan" for the motherland. It is also observed that during the last 43 years of independence some State Undertakings/Enterprises have in their name the expression 'Hindustan' such as Hindustan Shipyard, Hindustan Aeronautics, Hindustan Anti-biotics and so on. Now after 41 years of the existence of our Sovereign, Socialist, Secular, Democratic Republic a significant stage has reached where the Republic should be named as 'Hindustan'. The present Bill seeks to amend the Constitution for the purpose.

NEW DELHI;

July 1, 1991.

RAM NAIK

BILL No. 56 OF 1991

A Bill to provide for the regulation of production, supply and distribution of infant foods and feeding bottles with a view to the protection and promotion of breast-feeding and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Infant Foods and Feeding Bottles (Regulation of Production, Supply and Distribution) Act, 1991.

Short title, extent and commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (1) In this Act, unless the context otherwise requires,—

Definitions.

(a) “advertisement” includes any notice, circular, label, wrapper and other document and also includes any visible representation or announcement made by means of any light, sound, smoke or gas;

(b) "container" means a box, bottle casket, tin, can, barrel, case, tube, receptacle, sack, wrapper or other thing in which any infant food or feeding bottle is placed or packed for sale or distribution;

(c) "feeding bottle" means any bottle used for the purpose of feeding infant foods, and includes teats and valves attached or capable of being attached to such bottle or receptacle;

(d) "health care system" means an institution or organisation engaged, either directly or indirectly, in health care for mothers, infants or pregnant women, and includes a health worker in private practice, but does not include a pharmacy or drug store;

(e) "health worker" means a person engaged in health care for mothers, infants or pregnant women;

(f) "infant food" means any food including complementary foods when marketed or otherwise represented as a partial or total replacement for mother's milk, whether or not it is suitable for such replacement;

(g) "label" means a display of written, marked, stamped, printed or graphic matter affixed to, or appearing upon, any container;

(h) "prescribed" means prescribed by rules made under this Act.

(2) Any reference in this Act to any other enactment or any provision thereof, shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law or the relevant provision of the corresponding law, if any, in force in that area.

Prohibition of advertisement, etc. for sale of infant foods or feeding bottles.

3. No person shall,—

(a) advertise, or take part in the publication of any advertisement, for the distribution, sale or supply of infant foods or feeding bottles; or

(b) give an impression or create a belief in any manner that feeding of infant foods is close or equivalent to, or better than, mother's milk; or

(c) take part in the promotion of use or sale of infant foods or feeding bottles otherwise than in accordance with the provisions of this Act.

Prohibition of incentives for the use or sale of infant foods or feeding bottles.

4. No person shall,—

(a) supply or distribute samples of infant foods or feeding bottles or gifts of utensils or other articles; or

(b) contact any pregnant woman or the mother or relative of an infant; or

(c) offer inducement of any other kind,

for the purpose of promoting the use of sale of infant foods or feeding bottles.

5. No manufacturer or distributor or his representative or agent shall donate or distribute any informational or educational equipment or material relating to infant foods or feeding bottles.

Donation
of equip-
ment or
materials
relating
to infant
foods or
feed-
ing
bottles.

37 of
1954.

6. (1) Without prejudice to the provisions of the Prevention of Food Adulteration Act, 1954 and the rules made thereunder, no person shall produce, supply or distribute any infant food unless every container thereof or any label affixed thereto indicates in a clear, conspicuous and in an easily readable and understandable manner the words "important notice" in capital letters in such language as may be prescribed and indicating thereunder the following particulars in the same language, namely:—

Infor-
mation
on con-
tainers
and
labels of
infant
foods.

- (a) a statement "mother's milk is best for your baby" in capital letters;
- (b) a statement that infant food should be used only on the advice of a health worker as to the need for its use and the proper method of its use;
- (c) a warning that infant food is not the sole source of nourishment of an infant;
- (d) the instructions for its appropriate preparation and a warning against the health hazards of its inappropriate preparation;
- (e) the ingredients used;
- (f) the composition or analysis;
- (g) the storage conditions required;
- (h) the batch number and the date before which infant food is to be consumed, taking into account the climatic and storage conditions of the country;
- (i) such other particulars as may be prescribed.

(2) No container or label referred to in sub-section (1) shall,—

- (a) have the words "infant food" or any other words to that effect; or
- (b) have pictures of infants; or
- (c) have pictures or other graphic material or phrases designed to increase the saleability of infant food;
- (d) use on it the word "humanised" or "maternalised" or any other similar word; or
- (e) bear on it such other particulars as may be prescribed.

Educational and other materials relating to feeding of infants to contain certain particulars.

7. (1) Every educational or other material, whether audio or visual, dealing with pre-natal or post-natal care or with the feeding of an infant and intended to reach pregnant women or mothers or relatives of infants shall include clear information on,—

- (a) the benefit and superiority of breast-feeding;
- (b) the preparation for and the continuance of breast-feeding;
- (c) the harmful effects on breast-feeding due to the partial adoption of bottle feeding;
- (d) the difficulties in reverting to breast-feeding of infants after a period of feeding by infant food;
- (e) the financial and social implications in making use of infant foods and feeding bottles;
- (f) the health hazards of improper use of infant foods and feeding bottles;
- (g) such other matters as may be prescribed.

(2) No material referred to in sub-section (1) shall be utilised to promote the use or sale of infant foods or feeding bottles.

Health care system

8. (1) No manufacturer or his representative shall provide any information or use any health care system for the display of placards or posters relating to or for the distribution of materials for the purpose of promoting the use or sale of infant foods or feeding bottles.

(2) No person who produces supplies, distributes or sells infant foods or feeding bottles shall make any payment to any person who works in the health care system for the purpose of promoting the use or sale of such foods or bottles.

(3) No person, other than a health worker, shall demonstrate feeding with infant foods to a mother of an infant or to any member of her family and such health worker shall also clearly explain to such mother or other member the hazards of improper use of infant foods and feeding bottles.

(4) (a) No person, other than an institution or organisation engaged in health care for mothers, infants or pregnant women, shall distribute infant foods or feeding bottles to a mother who cannot resort to breast-feeding and who cannot afford to purchase infant foods or feeding bottles.

(b) No institution or organisation, other than an orphanage may accept donations of infant foods or feeding bottles from any person or purchase the same at a price lower than their saleprice:

Provided that it shall not amount to inducement if such donations or purchases are procured from a government sponsored programme for the promotion of adequate nutrition.

(c) Where any institution or organisation referred to in clause (a) intends to use the infant foods or feeding bottles so donated or purchased for distribution outside such institution or organisation to a mother of an infant who cannot resort to breast-feeding or who cannot afford to purchase the same, the institution or organisation shall continue such distribution as long as such infant needs them.

(d) Where any person who donates infant foods or feeding bottles or sells the same at a price lower than their sale price to any institution or organisation referred to in clause (a) for distribution outside such institution or organisation or to a mother of an infant who cannot resort to breast-feeding or who cannot afford to purchase the same such person shall continue such donations as long as such infant needs them.

9. No person who produces, supplies, distributes or sells infant foods or feeding bottles shall offer or give, directly or indirectly, any financial inducements or gifts to a health worker or to any member of his family for the purpose or promoting use of such foods or bottles.

Prohibition on inducement to health worker for promoting use of infant foods, etc.

10. (1) No person who produces, supplies, distributes or sells infant foods or feeding bottles shall fix the remuneration of any of his employees or give any commission to such employee on the basis of the volume of sale of such foods or bottles made by such employee.

(2) The employees of such person shall not perform any function which relates to educating a pregnant woman or mother of an infant or pre-natal or post-natal care of the infant.

Special provision relating to employees of person who produces, supplies, distributes or sells infant foods, etc.

11. (1) No person shall sell or otherwise distribute any infant food unless it conforms to the standards specified for such food under the Prevention of Food Adulteration Act, 1954, and the rules made thereunder and the container thereof has the relevant Bureau of Indian Standards certification mark to indicate that the infant food conforms to such standards.

Standards of infant foods, etc.

(2) No person shall sell or otherwise distribute any feeding bottle unless it conforms to the standards specified by the Bureau of Indian Standards for feeding bottles and the certification mark is affixed on its container.

37 of
1954.

37 of 1954.

12. (1) Any food inspector appointed under section 9 of the Prevention of Food Adulteration Act, 1954 (hereinafter referred to as the food inspector) or any officer not below the rank of a Class I officer authorised in this behalf by the State Government (hereinafter referred to as the authorised officer) may, if he has any reason to suspect that any provision of section 6 or section 11 has been or is being contravened, enter and search at any reasonable time any factory, building, business premises or any other place where any trade or commerce in infant foods or feeding bottles is carried on or such foods or bottles are produced, supplied or distributed.

Powers of entry and search.

2 of 1974

(2) The provisions of the Code of Criminal Procedure, 1973, relating to searches and seizures shall, so far as may be, apply to every search or seizure made under this Act.

Power to seize infant foods, etc. or containers thereof.

13. (1) If any food inspector or authorised officer has reason to believe that, in respect of any infant food or feeding bottle or container thereof, the provisions of this Act have been or are being contravened, he may seize such food or bottle or container.

(2) No such food or bottle or container shall be retained by any food inspector or authorised officer for a period exceeding ninety days from the date of its seizure unless the approval of the District Judge, within the local limits of whose jurisdiction such seizure has been made, has been obtained for such retention.

Confiscation.

14. Any infant food or feeding bottle or container thereof, in respect of which any provision of this Act has been or is being contravened, shall be liable to confiscation:

Provided that where it is established to the satisfaction of the court adjudging the confiscation that the person in whose possession, power or control any such food or bottle or container is found is not responsible for the contravention of the provisions of this Act, the court may, instead of making an order for the confiscation of such food or bottle or container, make such other order authorised by this Act against the person guilty of the breach of the provisions of this Act as it may think fit.

Power to give option to pay cost in lieu of confiscation.

15. (1) Whenever any confiscation is authorised by this Act, the court adjudging it may, subject to such conditions as may be specified in the order adjudging the confiscation, give to the owner, thereof an option to pay in lieu of confiscation such cost not exceeding the value of the infant food or feeding bottle or container thereof in respect of which the confiscation is authorised as the court thinks fit.

(2) On payment of the cost ordered by the court the seized infant food or feeding bottle or container shall be returned to the person from whom it was seized on the condition that such person shall, before making any distribution, sale or supply of such food, bottle or container, give effect to the provisions of this Act.

Confiscation not to interfere with other punishments.

16. No confiscation made or cost ordered to be paid under this Act shall prevent the infliction of any punishment to which the person affected thereby is liable under the provisions of this Act or under any other law.

Adjudication.

17. Any confiscation may be adjudged or costs may be ordered to be paid.

(a) without any limit, by the principal civil court of original jurisdiction within the local limits of whose jurisdiction such confiscation has been made or costs have been ordered to be paid as the case may be;

(b) subject to such limits as may be specified by the Central Government in this behalf, by such other court, not below a civil court having pecuniary jurisdiction exceeding rupees five thousand, as the Central Government may, by notification in the Official Gazette, authorise in this behalf.

18. (1) No order adjudicating confiscation or directing payment of costs shall be made unless the owner of the infant food or feeding bottle or container thereof has been given a notice in writing informing him of the grounds on which it is proposed to confiscate such food or bottle or container, and giving him a reasonable opportunity of making a representation in writing within such reasonable time as may be specified in the notice against the confiscation and if he so desires, of being heard in the matter:

Provided that where no such notice is given within a period of ninety days from the date of the seizure of the infant food or feeding bottle or container thereof, such food or bottle or container shall be returned after the expiry of that period to the person from whose possession it was seized.

5 of 1908.

(2) Save as otherwise provided in sub-section (1), the provisions of the Code of Civil Procedure, 1908, shall, so far as may be, apply to every proceeding referred to in sub-section (1).

19. (1) Any person aggrieved by any decision of the court adjudicating a confiscation or ordering the payment of costs may prefer an appeal to the court to which an appeal lies from the decision of such court.

(2) The appellate court may, after giving the appellant an opportunity of being heard, pass such order as it thinks fit confirming modifying or revising the decision or order appealed against or may send back the case with such directions as it may think fit for a fresh decision or adjudication, as the case may be, after taking additional evidence if necessary:

Provided that an order enhancing any fine in lieu of confiscation or for confiscating goods of greater value shall not be made under this section unless the appellant has had an opportunity of making a representation and if he so desires of being heard in his defence.

(3) No further appeal shall lie against the order of the court of appeal.

20. (1) Any person who contravenes the provisions of section 3, 4, 5, 7, 8, 9, 10 or sub-section (2) of section 11 shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees, or both.

(2) Any person who contravenes the provisions of section 6 or sub-section (1) of section 11 shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than one thousand rupees:

Giving
of oppor-
tunity to
the owner
of the
seized
infant
food or
feeding
bottle or
container
thereof.

Appeal

Penalty.

Provided that the court may, or any adequate and special reasons to be mentioned in the judgement, impose a sentence of imprisonment for a term which shall not be less than three months but which may extend to two years and with fine which shall not be less than five hundred rupees.

Offences by companies.

21. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm, means a partner in the firm.

Offences to be cognizable and bailable.

22. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this Act shall be bailable.

2 of 1974.

(2) For avoidance of doubts, it is hereby declared that every offence punishable under this Act shall be cognizable

Protection of action taken in good faith.

23. No suit, prosecution or other legal proceeding shall lie against the Central Government or any State Government or any officer of the Central Government or of any State Government for anything which is in good faith done or intended to be done under this Act.

Application of Act 37 of 1954 not barred.

24. The provisions of this Act or the rules made thereunder shall be in addition to and not in derogation of the Prevention of Food Adulteration Act, 1914, or the rules made thereunder.

Power to make rules.

25. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

GOVERNMENT OF INDIA
MINISTRY OF HEALTH & FAMILY WELFARE

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the language in which the notice and other particulars referred to in sub-section (1) of section 6 shall be indicated;
- (b) the particulars which are to be indicated under clause (i) of sub-section (1) of section 6;
- (c) the particulars which a container or label shall not bear under clause (e) of sub-section (2) of section 6;
- (d) the matters to be included in the information which reaches pregnant women or mothers of infants under clause (g) of sub-section (1) of section 7;
- (e) any other matter which is required to be or may be, prescribed.

(3) Every rule made under this Act shall be laid, as soon as may be after it is made before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Every child has a right to be adequately nourished as a means of attaining and maintaining health. Infant malnutrition is a major contributory cause of high incidence of infant mortality and physical and mental handicaps. The health of infants and young children cannot be isolated from the health and nutrition of women. The mother and her infant form a biological unit. Breast-feeding is an integral part of the reproductive process. It is the natural and ideal way of feeding the infant and provides a unique biological and emotional basis for healthy child development. The anti-infective properties of mother's milk protect infants against diseases. The effect of breast-feeding on child spacing, on the health and well-being of the mother on family health, on family and national economy and on food production is well-recognised. Breast-feeding is, therefore, a key aspect of self-reliance and primary health care. It is therefore, essential to protect and promote breast-feeding and to protect Pregnant women and nursing mothers from any influence that could disrupt it.

Inappropriate feeding practices lead to infant malnutrition morbidity and mortality in our children. Promotion of infant foods and related products like feeding bottles and teats do constitute a health hazard. Promotion of infant foods and related products has been more extensive and pervasive than the promotion of information concerning the advantages of mother's milk and breast-feeding, and contributes to decline in breast-feeding. In the absence of strong interventions designed to protect, promote and support breast-feeding, this decline can assume dangerous proportions subject in millions of infants to greater risks of infections, malnutrition and death.

In the light of foregoing consideration and in view of the vulnerability of infants in the early months of life to the aforesaid risks and the risks involved in inappropriate feeding practices, including the unnecessary and improper use of infant milk foods and feeding accessories, it has become necessary to regulate the marketing of such products. For the proper nutrition and health of the world's children, the World Health Assembly adopted in May, 1981, an International Code of Marketing of Breast Milk Substitutes. The Government of India recognised this Code and adopted the "Indian National Code for Protection and Promotion of Breast-Feeding" (hereinafter referred to as the Code) in December, 1983.

The Code envisages that there shall be no advertising or other form of sales promotion of infant milk foods feeding bottles and teats. The Code, in accordance with this general principle, enjoins the health authorities to encourage and protect breast-feeding, and also prescribes several measures to control the marketing and promotion of infant milk foods, feeding bottles and teats.

The Bill proposes to give effect to the principles and aims of the Code. Accordingly, it prohibits advertisements of infant foods and

feeding bottles and also prescribe measures to ensure that in the marketing of infant foods, etc., no impression is given that bottle feeding is equivalent to, or better than, breast-feeding. The provisions relating to labelling and quality control of such foods and bottles are proposed to be implemented through the concerned Departments in the State Governments and Union territory Administration under the overall control of the Ministry of Health and Family Welfare. Contravention of the provisions of the Bill will be punishable with imprisonment for a term which may extend to three years or with fine which may extend to five thousand rupees or with both. However, the contravention of certain provisions of the Bill relating to labeling or quality control of such foods will be punishable with imprisonment for a term which shall not be less than six months but which may extend to three years and with fine which shall not be less than one thousand rupees.

A Bill on these lines was passed by the Rajya Sabha and was forwarded to the Lok Sabha. However, since the Lok Sabha did not pass the Bill, it lapsed on the dissolution of the Eighth Lok Sabha in terms of article 107(5) of the Constitution.

It was again introduced in Ninth Lok Sabha but lapsed on its dissolution.

The Bill seeks to achieve the above object.

NEW DELHI;

July 1, 1991

RAM NAIK

FINANCIAL MEMORANDUM

Clause 12 of the Bill provides that any food inspector appointed under section 9 of the Prevention of Food Adulteration Act, 1954, or any officer not below the rank of a Class I officer authorised by the State Government may, if he has any reason to suspect that any provision, of clause 6 or clause 11 has been or is being contravened, enter and search at any reasonable time any factory, building, business premises, etc. where such contravention has been or is being done.

Clause 13 of the Bill empowers any food inspector or the officer so authorised to seize any infant food or feeding bottle or container thereof in respect of which the provisions of the Bill have been or are being contravened and retain it for a period not exceeding ninety days from the date of the seizure under that clause.

The implementation of the above provisions of the Bill will not require any additional staff by the Central Government, since the said provisions will be implemented through the machinery available in the concerned States and Union territories and dealing with the administration of the Prevention of Food Adulteration Act, 1954.

The provisions of the Bill, therefore, do not involve any additional expenditure of a recurring or non-recurring nature.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 25 of the Bill empowers the Central Government to make rules, by notification in the Official Gazette, to carry out the provisions of the proposed legislation. The rules may be made, *inter alia*, to prescribe the conditions and restrictions subject to which educational equipment and other material relating to infant food may be donated or distributed, the language in which the notice and other particulars shall be indicated on a container of infant food or any label affixed thereto, the particulars which should be indicated on such container or the label affixed thereto, the particulars which such container or the label shall not bear and the matters to be included in the information which reaches pregnant women or mothers of infants.

The matters in respect of which rules may be made under clause 25 are essentially matters of detail or procedure. The delegation of legislative power is, therefore, of a normal character.

BILL No. 64 OF 1991

A Bill further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1971.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1991.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 2 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971,-

Amend-
ment of
section 2.

(i) in clause (e), in sub-clause (2), items (i) and (ii) shall be omitted; and

(ii) in clause (fa), sub-clauses (ii) and (iii) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The recent judgement of the Bombay High Court and that of the Supreme Court in which it has been held that the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, takes precedence over the Rent Control Act has created a number of difficulties for the old tenants who have been residing there for a number of years. The purpose of the Act was to safeguard the interest of Government buildings and to evict the unauthorised occupants such as those employees who are staying in Government accommodation even after their retirement from service or others who have been put in there unauthorisedly by employees. Expansion of public sector undertakings such as Government owned companies, nationalised banks and other nationalised sectors has brought in a number of old tenants under the purview of this Act. As a result of this and due to the above said judgement the old tenants have lost protection of the Rent Control Act. In fact there are enough provisions under the Companies Act, 1956 and/or under Rent Control Act to take care of those who are occupying the Government buildings without authority.

Under these circumstances, the amendment is imperative to exclude such public sector undertakings from the purview of the Act so as to give relief to old tenants. It is also necessary to bring the Government Companies on par with the private landlords. Another important aspect is the tenancy right which is a valuable right in cities and there is no reason to deprive the tenants of the same without any reason.

Hence this Bill.

NEW DELHI;

July 1, 1991.

RAM NAIK

BILL NO. 65 OF 1991

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1991.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 81 of the Constitution, in the proviso to clause (3), for the words and figures "be construed as a reference to the 1971 census", the following shall be substituted, namely:—

Amendment of article 81.

"be construed,—

(i) for the purposes of sub-clause (a) of clause (2) and the proviso to that clause, as a reference to the 1971 census; and

(ii) for the purposes of sub-clause (b) of clause (2), as a reference to the 1991 census.".

Amend-
ment of
article
82.

3. In article 82 of the Constitution, in the third proviso, for the words “readjust the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies under this article”, the following shall be substituted, namely:—

“readjust—

(i) the allocation of seats in the House of the People to the States as readjusted on the basis of the 1971 census; and

(ii) the division of each State into territorial constituencies as may be readjusted on the basis of the 1991 census,
under this article.”.

Amend-
ment of
article
170.

4. In article 170 of the Constitution, -

(a) in clause (2), in the proviso to the *Explanation*, for the figure “1971”, the figure “1991” shall be substituted;

(b) in the third proviso to clause (3), for the words “readjust the total number of seats in the Legislative Assembly of each State and the division of such State into territorial constituencies under this clause”, the following shall be substituted, namely:—

“readjust—

(i) the total number of seats in the Legislative Assembly of each State as readjusted on the basis on the 1971 census;

(ii) the division of such State into territorial constituencies as may be readjusted on the basis of the 1991 census,
under this clause.”.

Amend-
ment of
article
327.

5. In article 327 of the Constitution, after the words “delimitation of constituencies”, the words “including rotation of constituencies reserved for the Scheduled Castes” shall be inserted,

STATEMENT OF OBJECTS AND REASONS

The Members in both the Houses had been raising from time to time, a demand for the delimitation of constituencies. The Government have also been receiving representations and suggestions for such delimitation from various other quarters. Hence, the matter was referred to the Committee appointed by the Central Government to go deep into the matter of Electoral Reforms. The Committee examined the question of increasing the total number of seats in the House of the People and the Legislative Assemblies of the States, the rotation of seats reserved for the Scheduled Castes and Scheduled Tribes and delimitation of constituencies. After a careful study and discussion, they recommended that a fresh delimitation on the basis of 1931 census, may be undertaken, but such delimitation should not affect the total number of seats allotted to various States on the basis of 1971 census. They also recommended that seats reserved for Scheduled Castes may also be rotated on the basis of their population in the constituencies. These recommendations require amendments to the Constitution as at present there is a Constitutional bar not only in regard to the increase in the total number of seats but also with regard to delimitation of constituencies. The Government having accepted the recommendation of the Committee introduced a Bill to amend the relevant articles of the Constitution on 30th May 1990 in Rajya Sabha. However, it has not yet been passed and is pending.

After introduction of the Bill, 1991 census has been completed. Hence, it will be desirable to delimit the constituencies on the basis of the 1991 census, instead of the 1981 census as suggested by the Electoral Reforms Committee.

Hence this Bill.

NEW DELHI;

July 1, 1991.

RAM NAIK.

BILL NO. 60 OF 1991

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1991.

Omission of article 370.

2. Article 370 of the Constitution shall be omitted.

STATEMENT OF OBJECTS AND REASONS

Article 370 has no meaning in the present situation. The State of Jammu and Kashmir has become part and parcel of India. Number of elections were held during the last 42 years which have proved that Jammu and Kashmir is as good a State of India as other States are. The State has lost many opportunities due to this article as no big industrialists are interested in setting up industries in the State under the present situation. The State has thus remained industrially backward. People of the State are suffering from such step-motherly treatment. This article gives Pakistan an opportunity to raise the Kashmir question on various international forums. The people of the State are interested in removing this article immediately so that they can feel proud of being part and parcel of India.

Hence, this is the right time to omit this article so that the people of the State enjoy the fruits of progress of the country as are being enjoyed by the people of other States.

Hence this Bill.

NEW DELHI;

July 2, 1991

KASHIRAM RANA

BILL No. 61 OF 1991

A Bill to prevent the imposition of social disabilities by a member or members of a community on a member or members of his or their own community; to provide for penalties for such an act or acts and for matters connected therewith.

BE it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short title and commencement.

1. (1) This Act may be called the **Prevention of Social Disabilities Act, 1991.**

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires,—

(a) “community” means a group of members who are connected together by birth conversion or performance of religious rites or ceremonies or who belong to the same religion or religious creed and includes a caste or sub-caste; and

(b) “member” means a person whether male or female who is a member of any community.

3. Any member who commits any of the following act or acts shall be deemed to have imposed social disability on a member of his community if he—

Imposition of social disabilities.

(a) denies, prevents or obstructs or causes to deny, prevent or obstruct any member of his own community from having access to or from using any place of worship or prayers or any place intended to be used for performing any religious ceremony or rite, prevalent or practised in his community;

(b) prevents or obstructs or causes to prevent or obstruct any member of his community from having access to or from using any place used or intended to be used for a charitable, religious or public purpose and established, run, or maintained wholly or partly by his own community for and on behalf of the community and which is normally available for use to or by any member of his own community;

(c) prevents or obstructs or causes to prevent or obstruct any member of his community from enjoying any benefit under a charitable trust or wakf created for the benefit of his community;

(d) prevents or obstructs or causes to prevent or obstruct any member of his community from having access to or using the facilities of any school, educational institution, medical institution, community hall, club hall, cemetery, burial ground or any other place used by or intended to be used by, or for the benefit of, his community.

(e) prevents or obstructs or causes to prevent or obstruct any member of his community from observing any social or religious customs or usage or ceremony or from taking part in a social or religious functions, congregation, assembly, meeting or procession;

(f) prevents or obstructs or causes to prevent or obstruct any member of his community from establishing or maintaining such social, professional, or business relations as he would ordinarily establish or maintain with other members of his community;

(g) incites, provokes, or encourages any member of his community, directly or indirectly, to sever social, religious, professional or business relations with any other member or members of his community;

(h) refuses or denies or causes to refuse or deny to any member of his community the right to perform such marriage, funeral or other religious ceremonies and rites as the members of his own community usually and ordinarily perform;

(i) prevents or obstructs or causes to prevent or obstruct any member of his community from entering, lodging in or otherwise using any *Dharamshala*, *Sarai* or *Musafirkhana* which is ordinarily open to members of his community; or

(j) prevents or obstructs or causes to prevent or obstruct any member of his community from entering or using any place of worship, such as, temple, mosque, church, *gurudwara* or any cemetery, crematorium or burial ground which is ordinarily open to members of his community.

Penalties.

4. (1) Whoever imposes any social disability on any member of his community shall on conviction be punished with imprisonment of either description which may extend to six months or with fine, which may extend to one thousand rupees or with both.

(2) Whoever aids or abets in the commission of any offence punishable under this Act or connives at the commission of any such offence or harbours any offender or destroys any evidence shall on conviction be punished with imprisonment of either description which may extend to six months or with fine, which may extend to one thousand rupees or with both.

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act—

2 of 1974.

(a) shall be cognizable, and

(b) may, with the permission of the Court, be compoundable.

Offences under this Act to be cognizable and compoundable.**Police officers to take action in cases of imposition of social disabilities.**

6. (1) A police officer may—

(a) remove or cause to be removed any barricade or obstruction erected, placed or found in any place, if such police officer has reasonable ground to believe that the barricade or obstruction was so erected or placed in order to be used for the purpose of committing an offence under this Act; or

(b) open or cause to be opened any gate or door, if such police officer has reasonable ground to believe that such gate or door was closed for the purpose of committing an offence under this Act.

(2) Whenever a police officer has reasonable ground to believe that any person is likely to commit an offence under this Act, he may arrest such person without a warrant and deliver him into the custody of the officer-in-charge of a police station who may either release the person arrested on his executing a bond, with or without sureties, for his appearance in a Magistrate's Court or take or cause to be taken the person arrested before a Magistrate within twenty-four hours after the arrest.

(3) When a person appears before a Magistrate in compliance with a bond executed by him under sub-section (2) or is brought before a Magistrate, he may require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for his good behaviour for such period not exceeding three years as the Magistrate may think fit and if after due inquiry, the Magistrate is satisfied that such person should execute a bond, with or without sureties, the Magistrate shall make an order accordingly and the provisions of section 107 and sections 112 to 123 (both inclusive) of the Code of Criminal Procedure, 1973, shall apply to or in relation to all orders to furnish security made under his sub-section.

2 of 1974.

STATEMENT OF OBJECTS AND REASONS

The outdated and unconstitutional practices such as untouchability, boycotts, etc., are still practised in various communities in the country, resulting in great harassment to individuals or groups. The harassment so caused, naturally gives rise to ill-feeling and disharmony towards each other. This has far-reaching effects on the social life of the community. It is, therefore, necessary to root out these evils by putting a stop to the imposition of the various social disabilities. The objective can be achieved by enacting a suitable legislation for the purpose and also for providing punishment to those who indulge in such evil practices.

Hence this Bill.

NEW DELHI;
July 2, 1991.

KASHIRAM RANA

BILL NO. 52 OF 1991

A Bill to provide for the establishment of a permanent Bench of the High Court of Gujarat at Surat.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the High Court of Gujarat (Establishment of a Permanent Bench at Surat) Act, 1991.

Establishment of a permanent Bench of High Court of Gujarat at Surat.

2. There shall be established a permanent Bench of the High Court of Gujarat at Surat and such Judges of the High Court of Gujarat, being not less than three in number, as the Chief Justice of that High Court may from time to time nominate, shall sit at Surat in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Bharuch, Surat, Valsad and Dangs.

STATEMENT OF OBJECTS AND REASONS

There has been a persisting demand for setting up of a permanent Bench of the High Court of Gujarat at Surat. More than 6,000 cases have been pending in Gujarat High Court for a long time. Out of these many cases are pending for quite a long time.

It would be appropriate if a Bench of the Gujarat High Court is established at Surat. People belonging to southern districts of Gujarat have to travel to Ahmedabad in connection with their cases. It is a time consuming and costly affair.

In the interest of speedy and cheap justice and convenience of the litigant public, it is necessary to establish a Bench of the High Court of Gujarat at Surat.

The Bill seeks to achieve the above objective.

NEW DELHI;

July 2, 1991.

KASHIRAM RANA

BILL No. 66 OF 1991*A Bill further to amend the Constitution of India.*

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short title.

Insertion of new article 26A.

Mainte-nance of status quo in respect of religious places.

1. This Act may be called the Constitution (Amendment) Act, 1991.

2. After article 26 of the Constitution, the following article shall be inserted, namely:—

“26A. (1) The State shall maintain *status quo* in respect of the religious places as they existed on the twenty-sixth day of January, 1950.

(2) The site and shape of any religious place, as it existed on the twenty-sixth day of January, 1950, shall not be altered or shifted or mutilated or erased without the consent of the persons of the concerned religion.

(3) Parliament may by law provide for the maintenance of *status quo* in respect of the site and shape of all religious places as they existed on the twenty-sixth day of January, 1950.

Explanation.—In this article “religious place” means a temple, mosque, *gurudwara*, church or any other place of worship where *pooja*, *namaz*, *kirtan*, prayer, etc. or any other form of worship is performed.”

STATEMENT OF OBJECTS AND REASONS

Since our country attained independence in 1947 and became a Republic in the year 1950, the sites of many religious places have been altered. Trouble erupted whenever efforts were made to alter or destroy religious places. In the recent past also communal violence broke out on account of threat of forcible shifting of religious places.

Therefore, in the interest of the unity and integrity of the country and to create a peaceful environment, it is proposed to amend the Constitution providing for the maintenance of *status quo* of site and shape of all religious places as they existed on 26th January, 1950.

The Bill seeks to achieve the above objective.

New Delhi;

July 2, 1991

BHOGENDRA JHA.

BILL NO. 63 OF 1991

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1991.

Substitu-
tion of
new
Schedule
for
Eighth
Schedule.

2. For Eighth Schedule to the Constitution, the following Schedule shall be substituted, namely:—

"EIGHTH SCHEDULE

[Article 344(1) and 351]

1. Assamese.
2. Bengali.
3. Bhojpuri.
4. Dogri.

5. Gujarati.
6. Hindi.
7. Kannada.
8. Kashmiri.
9. Konkani.
10. Maithili.
11. Malayalam
12. Manipuri.
13. Marathi.
14. Nepali.
15. Oriya.
16. Punjabi.
17. Rajasthani.
18. Sanskrit.
19. Santhali.
20. Sindhi.
21. Tamil.
22. Telugu.
23. Urdu.”.

STATEMENT OF OBJECTS AND REASONS

The flowering and flourishing of any democratic order and institutions are, dependent upon the development and recognition of the mother-tongues concerned. Our country, with a population of about 850 millions, has got 15 languages in the Eighth Schedule to the Constitution of India. Many other important languages of the country do not find a place in the Constitution.

Maithili language is the mother-tongue of millions of people in our country. It is also the mother-tongue of millions of people in the adjoining areas of Nepal, our fraternal neighbour, having historical, cultural and linguistic ties with us. It is recognised by Sahitya Akademi for more than a score of years and is taught in degree and post graduate courses in many universities. It is also a medium of competitive examinations conducted by the Government in Bihar.

Nepali is the mother-tongue of more than a million Indians, Particularly in northern areas of Bengal. Manipuri is the official language of the Manipur State. Bhojpuri is the mother-tongue of millions of people in Uttar Pradesh and Bihar and it has recently made much headway in the field of cinema. Santhali is among the most developed languages of the Scheduled Tribes. Rajasthani, Dogri and Konkani have their own distinctive cultural and historical backgrounds.

Intense mass agitation in varying degrees have been going on for the inclusion of the above languages in the Constitution. Their recognition by the Constitution is necessary in the interest of national integrity and advancement.

Hence this Bill.

NEW DELHI;

July 3, 1991.

BHOGENDRA JHA.

BILL NO. 55 OF 1991

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows :—

1. This Act may be called the Constitution (Amendment) Act, 1991. Short title.
2. In article 327 of the Constitution, the following proviso shall be added at the end, namely :—

“Provided that while making provisions with respect to the delimitation of constituencies, it shall be ensured that territorial extent of each electoral constituency for House of the People or the Legislative Assembly of a State is the same as the administrative and developmental unit or area at the corresponding level in each State.”.

Amend-
ment of
article
327.

Inser-
tion of
new
articles
362
and 362 A.

3. After article 361A of the Constitution, the following articles shall be inserted, namely :—

Elected
members
to have
right and
obligation
to ensure
implemen-
tation of
laws, etc.

“362. (1) The elected members of the House of the People or the Legislative Assembly of a State, as the case may be, shall have the right, obligation and the responsibility to ensure the actual implementation of laws, measures, projects and plans within the territorial limits of the electoral constituency which the member represents.

(2) For the purposes of clause (1), there shall be constituted such bodies at the level of electoral constituencies of the House of the People and the Legislative Assembly of a State and in such manner as may be determined by Parliament by law.

(3) The bodies constituted under clause (2) shall be headed by the member of the House of the People or the Legislative Assembly of a State, as the case may be, elected from the respective electoral constituency.

Standing
Commit-
tees of
each
Ministry/
Depart-
ment of
the
Union
or of a
State.

362 A. The members of both Houses of Parliament and the Legislature of a State shall be nominated by the President or the Governor of a State, as the case may be, as members, on rotation basis, of Standing Committees to be set up by each Ministry/Department of the Union or of a State, respectively, with such powers and functions as may be determined by the President or the Governor, as the case may be.”.

STATEMENT OF OBJECTS AND REASONS

At present, the electoral constituencies are different from administrative and developmental units. Elected legislators have no opportunity, responsibility or accountability for implementation of laws, measures, projects, etc., even in their own constituencies. The elected representatives can at the most raise their voices inside the legislature or ventilate grievances in the press. But people expect much more from them than what they do or can actually do. On actual implementation of the plans, projects, etc., the elected representatives have no control except to approach the officials concerned.

On the other hand, the bureaucrats or technocrats have no formal participation in any democratic structure and they plead their inability in exercising control over execution of plans, etc.

Our elected representatives remain only the symbols of "talking" democracy while those who actually implement plans are kept out of any democratic framework. Moreover, the overlapping of electoral constituencies, districts, sub-divisions of taluks, blocks, etc. causes further complications.

Therefore, there is an urgent need for synchronisation of electoral constituencies with the administrative and developmental units, by re-organising and delimiting such constituencies. This will help our elected representatives and bureaucrats to actually involve themselves in implementation of plans, etc. while maintaining their separate identity and existence.

Similarly, the present system of consultative committees attached with each Ministry/Department serves a limited purpose only. Hence their replacement by Standing Committees is necessary to help streamline the functions of the Ministries and Departments and oversee the implementation of various schemes. Members of the Upper Houses at the State and Central levels can be more useful in these standing Committees. At present they are not associated with consultative committees.

Hence this Bill.

NEW DELHI:
July 3, 1991.

BHOGENDRA JHA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the setting up of Standing Committees in each Ministry/Department of the Union or of a State consisting of members of the Houses of Parliament or the Legislature of a State, with such powers as may be determined by the President, or the Governor of a State, as the case may be. As regards the members of the State Committees, the expenditure will be met by the respective State Governments. However, the Bill, if enacted, will involve expenditure from the Consolidated Fund of India in respect of travelling and other allowances to members of the Standing Committees of the Union Ministries/Departments and other miscellaneous expenditure in respect of their administration. It is estimated that an annual recurring expenditure to the tune of rupees ten lakhs is likely to be incurred.

No non-recurring expenditure is likely to be involved.

BILL NO. 57 OF 1991

A Bill to provide for employment or for means and resources for self employment to all adult citizens of the country

Be it enacted by Parliament in the Forty-second Year of the Republic of India as follows:-

- | | |
|--|--|
| 1. (1) This Act may be called the Employment Guarantee Act, 1991. | Short title and commencement. |
| (2) It shall come into force at once. | |
| 2. In this Act, unless the context otherwise requires, "State" means the Government of India and includes the Government of a State and all local or other authorities under the control of Government of India or of a State. | Definition. |
| 3. It shall be obligatory on the part of the State to provide employment to all adult citizens seeking employment. | Provision of employment to all adult citizens. |

Employees
not to
involve
in any
other
activity.

4. (1) Every citizen who has secured a job shall not involve himself in any activity other than his employment resulting in financial or other gains.

(2) Any citizen who is provided with a job shall have to relinquish his ownership or share of any movable or immovable property, except those used by him for his residential purposes, within two years of joining the service, if the income from the employment is rupees one thousand per month or more.

Periodical
promotions
to em-
ployees.

5. It shall be obligatory on the part of the State to ensure periodical promotions to all employees on the basis of tests and/or performance.

Applica-
tions
from
persons
already
em-
ployed.

6. No application for any other employment from a person who is already in service shall be entertained without that person having resigned from previous service, whether it be Government or public undertaking or private service.

Provi-
sion of
facilities
for self-
employ-
ment.

7. **The State shall provide cheap credit, subsidy and other facilities to all citizens, including retired persons, seeking productive self-employment.**

8. Any person violating the provisions of section 4 shall be punished with imprisonment for a term not exceeding one year or with fine not exceeding rupees ten thousand or with both.

Power to
make
rules.

9. The Central Government may make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Galloping unemployment among both educated and uneducated youth has become a major and explosive national problem. Any delay in the solution of this problem is to the detriment of our vital national interests and goals.

Unemployed person seldom get chance for new jobs as most of the applicants for any new job are from amongst already employed persons. Similarly, shares in or partitions of joint agricultural holdings by the fast growing class of educated and other gainfully employed persons adversely affects the development of agricultural production. This class of absentee owners has got little interest in and time for agricultural production. It has got interest only in ownership in land only as a means of security. Those who cultivate have no ownership right and those who have do not cultivate.

Many employed persons involve themselves in activities other than the jobs they are employed in, resulting in financial gains and thus depriving the unemployed persons a chance to seek livelihood. Some sort of punishment should be given to such individuals to ensure the principle of one person one job.

Side by side, more promotional opportunity for the employed is necessary to enable them to concentrate on their jobs. Adequate means and resources through cheap credits at differential rates of interest and subsidies, etc., for gainful production through self-employment to those unemployed can go a long way in mitigating the problem of unemployment. This will boost the economy of the nation also.

But this cannot be done without active stewardship by the Central Government and the State Governments.

Hence this Bill.

NEW DELHI;

July 3, 1991

BHOGENDRA JHA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the State shall provide employment to all adult citizens. Clause 7 provides that the State shall provide subsidy and other facilities to all citizens, including retired citizens, seeking productive self-employment. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India in implementing the provisions of the Bill. Moreover, the State Governments may have to be given financial assistance for implementing the provisions.

The number of unemployed persons is not known and as such an estimate of expenditure cannot be given at this stage. However, it is likely to involve an annual recurring expenditure of about rupees one thousand crores from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees one hundred crores is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

K. C. RASTOGI,
Secretary-General.

